EDWARDS ANGELL PALMER & DODGE LLP Robert Novack, Esq. (RN4514) 750 Lexington Avenue New York, New York 10022 (212) 308-4411 Attorneys for Plaintiffs

## UNITED STATES DISTRICT FOR THE SOUTHERN DISTRICT OF NEW YORK

ORCHID ISLAND TRS, LLC, (formerly known as Opteum Financial Services, LLC); and BIMINI CAPITAL MANAGEMENT, : Index No: INC. (formerly known as Opteum Inc.)

Plaintiffs,

v.

INDYMAC BANCORP, INC. and INDYMAC BANK, F.S.B.,

RULE 7.1 STATEMENT

Defendants.

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, the undersigned counsel of record for Orchid Island TRS, LLC (formerly known as Opteum Financial Services, LLC), a Delaware limited liability company, and Bimini Capital Management, Inc. (formerly known as Opteum Inc.), a Maryland corporation, certifies that the following listed parties have a direct, pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal.

- 1. Orchid Island TRS, LLC ("Orchid") is a majority-owned subsidiary of Bimini Capital Management, Inc. ("Bimini"), a publicly held real estate investment trust; and
- The members of Orchid are Bimini, a Maryland corporation, and
  Citigroup Global Markets Realty Corp., a New York corporation.

EDWARDS ANGELL PALMER & DODGE LLP Attorneys for Plaintiffs

By: Robert Novack (RN4514)

Dated: October 25, 2007